

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRUCE NELSON,

Defendant.

CV 20–26–M–DLC

ORDER

Before the Court is Plaintiff United States of America’s Motion to Dismiss (Doc. 10) its Complaint against Defendant Bruce Nelson. The United States represents that Mr. Nelson has been approved for total and permanent disability by the United States Department of Health and Human Services and as such requests a dismissal of this collection action. (*Id.*)

The United States does not indicate whether it wants the dismissal to be with or without prejudice. In such a situation, determination of whether the dismissal should be with or without prejudice is left to the discretion of the district court. *Hargis v. Foster*, 312 F.3d 404, 412 (9th Cir. 2002). If the district court’s order is silent on this point, the dismissal is presumed to be without prejudice. *Id.* Since the United States seeks dismissal of this action based on Mr. Nelson’s approval for

a total and permanent disability discharge, the Court presumes finality and dismisses the action with prejudice.

Accordingly, IT IS ORDERED that United States's motion (Doc. 10) is GRANTED.

IT IS FURTHER ORDERED that all pending deadlines are VACATED.

IT IS FURTHER ORDERED that the above-captioned matter is DISMISSED with prejudice.

The Clerk of Court is directed to close the case file.

DATED this 11th day of January, 2020.



Dana L. Christensen, District Judge
United States District Court